

**STATE OF INDIANA
BEFORE THE FIRE PREVENTION AND BUILDING
SAFETY COMMISSION**

IN RE:) **CAUSE NO.**
)
AMC SHOWPLACE) **DHS-1616-FPBSC-011**
THEATRES)
)

NON-FINAL ORDER OF DISMISSAL

On December 8, 2016, the Petitioner, by counsel and the Respondent, by counsel, filed the attached Joint Motion to Dismiss requesting that the above-captioned administrative appeal be dismissed. The Joint Motion to Dismiss states that a re-inspection of Petitioner's facility was conducted on December 6, 2016. The Inspection Report Order from December 6, 2016, found that the violation at issue in this appeal was resolved.

Accordingly, the present Administrative Law Judge now enters this Non-Final Order of Dismissal. The ultimate authority in this matter is the Fire Prevention and Building Safety Commission. Indiana Code § 4-21.5-3-29(d) requires any party seeking to preserve an objection to this order for judicial review to file a written objection that

1. identifies the basis of the objection with reasonable particularity; and
2. is filed with the Commission within fifteen (15) days (or any longer period set by statute) after this order is served.

In the absence of an objection from a party or notice from the Commission of its intent to review any issue related to this order, the Commission shall affirm this order in accordance with Indiana Code § 4-21.5-3-29(c). **This order will be considered by the Commission at its next scheduled meeting, Tuesday, January 3, 2017, at 9:00 a.m.**

Date: December 14 2016


HON. DAVID L. CARTER
Administrative Law Judge
Indiana Department of Homeland Security
302 W. Washington Street
Indiana Government Center South, Rm E208
Indianapolis, Indiana 46204
Telephone: (317) 234-8917
E-mail: dacarter2@dhs.in.gov

A copy of the foregoing was served by U.S. Postal Service upon the following parties and attorneys of record:

Steven L. Jones
ICE MILLER LLP
One American Square
Suite 2900
Indianapolis, IN 46282

and personally served on the following attorney of record:

Justin Guedel
Indiana Department of Homeland Security
302 W. Washington Street
Indiana Government Center South, Room E208
Indianapolis, IN 46204

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BEFORE THE FIRE PREVENTION AND BUILDING
SAFETY COMMISSION

IN RE:) CAUSE NO.
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AMC SHOWPLACE) DHS-1616-FPASC-011
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JOINT MOTION TO DISMISS

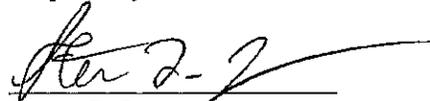
The parties, through counsel, respectfully request the above captioned matter be dismissed. In support of this request, the parties state the following:

1. On September 29, 2016, Respondent served Petitioner with an Inspection Report Order.
2. On October 14, 2016, Petitioner filed their Petition for Review concerning violation 1 contained in the Inspection Report Order.
3. On December 6, 2016, a re-inspection of Petitioner's facility was conducted and an updated Inspection Report Order was issued which found Petitioner in compliance and all violations corrected. A copy of this updated Inspection Report Order is attached as Exhibit A.

WHEREFORE, the parties respectfully request this matter be dismissed.

Date: 12/8/16

Respectfully submitted,


Steven L. Jones
Attorney for Petitioner


Justin K. Guedel
Attorney for Respondent

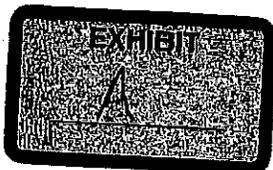


**FIRE AND BUILDING
CODE ENFORCEMENT
INSPECTION REPORT
ORDER**

DIVISION OF FIRE AND BUILDING SAFETY
INDIANA DEPARTMENT OF HOMELAND SECURITY
302 WEST WASHINGTON STREET, RM E241
INDIANAPOLIS, IN 46204
TELEPHONE: 317-232-2222
WEB ADDRESS: WWW.IN.GOV/DHS

Identification Number AE2724725	Name of the facility AMC SHOWPLACE THEATRES	County GRANT
Address of Property 713 N THEATRE RD MARION 46952	Name of the Contact SABRINA TWICHELL	Telephone Number (765) 888-8477
Email stwichel@amctheatres.com		Inspection Date 12/06/2016
Inspection Category ENTERTAINMENT PERMIT	Inspection Type REINSPECTION	Inspection Status: COMPLIED
Name of the inspector KEVIN WHITESEL		Phone: 3174173718
Email: kwhitesel@dhs.in.gov		

Facility Id AE2724725	Received By Name	Signature and Date
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APPEAL RIGHTS

Please be advised that if you desire administrative review of this Order and **this Order was delivered by hand**, you must file a written petition for review with the Fire Prevention and Building Safety Commission at 302 West Washington Street, Rm. W246, Indianapolis, IN 46204, identifying the violations for which you seek review no later than 15 calendar days from the hand delivery date of this Order unless such date is a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours, in which case the deadline would be the first calendar day thereafter that is not a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours. If you do so, your petition for review will be granted and an administrative proceeding will be conducted by an administrative law judge appointed by the Fire Prevention and Building Safety Commission. If you do not file a petition for review, this Order will be **FINAL** and you **MUST** comply with its requirements.

Please be advised that if you desire administrative review of **this Order and this Order was delivered by first class U.S. mail**, you must file a written petition for review with the Fire Prevention and Building Safety Commission at 302 West Washington Street, Rm. W246, Indianapolis, IN 46204, identifying the violations for which you seek review no later than 18 calendar days from the mailing date of this Order unless such date is a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours, in which case the deadline would be the first calendar day thereafter that is not a Saturday, Sunday, legal holiday under state statute, or day that the Department of Homeland Security's offices are closed during regular business hours. If you do so, your petition for review will be granted and an administrative proceeding will be conducted by an administrative law judge appointed by the Fire Prevention and Building Safety Commission. If you do not file a petition for review, this Order will be **FINAL** and you **MUST** comply with its requirements.

Please be further advised that you may request an opportunity to informally discuss this Order prior to filing a petition for review. ~~Such informal discussion~~, or a request therefor, does not extend the deadline for filing a petition for review and, therefore, any request for an informal discussion should be made promptly, preferably by telephone, upon receipt of this Order.

